

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE

2006 FEB -7 P 4:08

UNITED STATES OF AMERICA

V.

CARLOS SALVATE

CRIMINAL NO. 05-30026-MAP

MOTION TO SUPPRESS EVIDENCE

NOW comes the defendant, Carlos Salvate, by and through counsel, and moves, to suppress all evidence, of every name, nature and description, including, but not limited to: a handgun ; and evidence of the possession of ammunition by a convicted felon, seized and obtained by the Government and the Holyoke Police, on or about September 21, 2004.

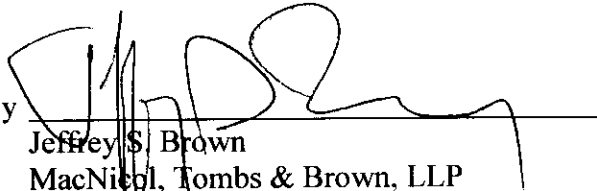
In support of this motion, the defendant states:

1. On the evening of September 21, 2004 the defendant was stopped, seized and searched by members of the Holyoke Police Department on N. East Street in the City of Holyoke. During the search of the defendant, a hand gun and ammunition were recovered and the defendant was arrested;
2. Said evidence was obtained by means of a warrantless search and seizure;
3. Said search and seizure violated the Fourth Amendment to the United States Constitution; and
4. An affidavit and memorandum of law in support of this motion are attached hereto.

DATED: February 7, 2006

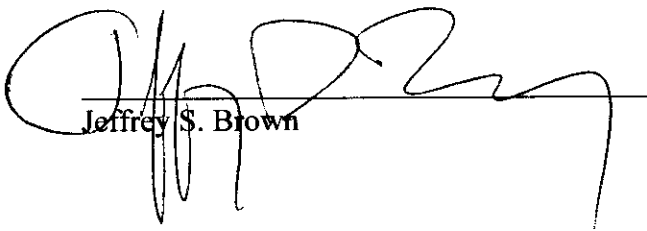
The defendant,

Carlos Salvate

By 
Jeffrey S. Brown
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BBO# 558787

CERTIFICATE OF SERVICE

I, Jeffrey S. Brown, hereby certify that I served a copy of the foregoing motion, the attached supporting affidavit and memorandum of law, on Assistant United States Attorney Paul Smyth in hand to the United States Attorney's Office on this date.


Jeffrey S. Brown

DATED: February 7, 2006